

**Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, D.C. 20554**

In the Matter of)	
)	
The Proposed Extension of Part 4 of the)	PS Docket No. 11-82
Commission’s Rules Regarding Outage)	
Reporting to Interconnected Voice Over)	
Internet Protocol Service Providers and)	
Broadband Internet Service Providers)	

**COMMENTS OF THE
NATIONAL ASSOCIATION OF TELECOMMUNICATIONS
OFFICERS AND ADVISORS, THE NATIONAL LEAGUE OF CITIES, AND THE
NATIONAL ASSOCIATION OF COUNTIES**

The National Association of Telecommunications Officers and Advisors (“NATOA”), the National League of Cities (“NLC”), and the National Association of Counties (“NACo”) (collectively, “Commenters”) submit these comments in response to the above-captioned Notice of Proposed Rulemaking (“NPRM”), released May 13, 2011.

I. THE COMMISSION SHOULD IMPOSE OUTAGE REPORTING REQUIREMENTS ON INTERCONNECTED VOIP SERVICE PROVIDERS AND BROADBAND INTERNET SERVICE PROVIDERS

In this NPRM, the Commission proposes to extend outage reporting requirements to interconnected Voice over Internet Protocol (“VoIP”) service providers and broadband Internet Service Providers (“ISPs”) as a means to ensure that our current and future 9-1-1 systems are reliable and resilient. Our country’s experiences with natural and man-made disasters, such as the attacks on September 11, 2001 and Hurricane Katrina, underscore our citizens’ dependence

on these systems. We agree with the Commission's assertion in the NPRM that broadband-delivered communications services have replaced "older, legacy communications technologies" and have become a "significant form of communications in times of crisis." As such, outages to broadband facilities clearly threaten the public's ability to summon assistance in times of crisis. Therefore, the Commenters support the Commission's proposal to extend its Part 4 outage reporting requirements to both interconnected VoIP service providers and broadband ISPs.

In fact, in comments filed in the 2004 proceeding that led to the imposition of outage reporting requirements on providers of wireless, cable and satellite communications, NATOA and NLC, along with the City of New York, argued that outage reporting requirements be extended to "non-wire services . . . specifically to public data networks and non-circuit switched, IP-based telephony provided by cable operators and others. Otherwise, there will be a rapidly expanding, and increasingly hazardous, hole in the FCC's outage reporting rules."¹

Outage Reporting Has Led to Improved Services

As the Commission points out, outage reporting requirements have led to the development and refinement of industry best practices, resulting in a reduced number of communications outages. Indeed, the Commission notes that "wireline network outages potentially affecting 9-1-1 services are down approximately 50 percent from the[ir] peak." In addition, the Commission has seen improvements in "engineering, provisioning, and deployment of communications infrastructure and services" as a result of outage reporting requirements. With the increased usage of VoIP services, and consumers' growing and demonstrated dependence on them in times of emergencies, it is time that the Commission takes steps to impose similar outage reporting requirements on these services.

¹ Comments of the City of New York, National League of Cities, and the National Association of Telecommunications Officers and Advisors, ET Docket No. 04-35, at 10-11 (May 25, 2004).

Outage Reporting Must Be Mandatory

The imposition of outage reporting requirements is not to blame providers for such outages, but rather to provide invaluable data that may be used to identify any underlying causes of such outages and to develop potential remedies and improvements. Corrective action and long-term planning cannot be implemented without accurate outage reporting. Commenters agree with the New York State Public Service Commission (“NYSPSC”) that “the information ascertained through outage reporting may assist federal, state and local governments to coordinate responses to major disasters and emergencies and make possible identification of best practices and improvements to decrease outages and improve the continuity of 9-1-1 services in an emergency.”² For that reason, we urge the Commission to impose *mandatory* outage reporting requirement.

Indeed, we believe that a mandatory reporting scheme is the only means by which a comprehensive overview of outages impacting 9-1-1 and other services may be obtained. As the Commission acknowledges, past voluntary reporting efforts have been unsuccessful, resulting in “spotty” network-outage reporting and the collection of “very poor” data.

Sharing and Confidentiality of Information

We agree with the Commission that outage information collected be classified as presumptively confidential. Keeping such information out of the public domain will help protect the security of our nation’s communications infrastructure. However, we agree with the NYSPSC and the Massachusetts Department of Telecommunications and Cable (“MDTC”) that the Commission should consider the need for state and local authorities to directly access such information without the intermediary involvement of the Department of Homeland Security

² Comments of the New York State Public Service Commission, PS Docket No. 11-82, at 5 (Aug.8, 2011).

(“DHS”).³ As the MDTC points out, “State and local entities often serve as the first line of defense for public safety and emergency situations, and delay in acquiring outage data can have serious consequences.”⁴ As we have stated previously, “Any limit on public disclosure should not be applicable to disclosure to local government first responders. Local governments need prompt and complete access to the full contents of all outage reports. Anything less would seriously handicap local governments’ ability to carry out their first responder responsibilities.”⁵

II. CONCLUSION

We welcome and endorse the NPRM’s proposed extension of mandatory outage reporting requirements to interconnected VoIP service providers and broadband ISPs. By taking quick action, the Commission will help ensure the continued and improved reliability and security of our nation’s communications infrastructure and 9-1-1 services.

Respectfully submitted,



Stephen Traylor
Executive Director/General Counsel
NATOA
3213 Duke Street, #695
Alexandria, VA 22314
703-519-8035
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³ Comments of the New York State Public Service Commission (“NYSPSC”), PS Docket No. 11-82 (Aug. 8, 2011); Comments of the Massachusetts Department of Telecommunications and Cable (“MDTC”), PS Docket No. 11-82 (Aug. 8, 2011).

⁴ Comments of MDTC at 8-9.

⁵ Comments of the City of New York, National League of Cities, and the National Association of Telecommunications Officers and Advisors, ET Docket No. 04-35, at 14 (May 25, 2004).